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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/336,933	06/21/1999	MARK C. LEIFER	015685-024	8251

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EXAMINER

TRAN, PABLO N

ART UNIT PAPER NUMBER

2685

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/336,933

Applicant(s)

LEIFER ET AL.

Examiner

Pablo N Tran

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56-114 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 56-114 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 06/17/04 have been fully considered but they are not persuasive.

The Applicant's stated that, "*Youssefmir et al.* does not disclose determining one or more signatures of one or more interferers or modifying the antenna processing strategy by incorporating the determined one or more signatures of the one or more interferers with the received signal data to reduce one or both of antenna transit signal strength in, and sensitivity of the antenna to signal from, one or more interferers".

Youssefmir et al. disclose such determining of one or more signatures (col. 6/ln. 43-56, col. 25/ln. 35-col. 26/ln. 21). *Youssefmir et al.* further disclose the method of modifying the antenna processing strategy by incorporating the determined one or more signatures of the interferers with the received signal data to reduce one or both of antenna transit signal strength or sensitivity of the antenna to signal (col. 18/ln. 19-col. 19/ln. 9). Therefore, the rejection is proper.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 56-114 are rejected under 35 U.S.C. 102(e) as being anticipated by *Youssefmir et al.* (6,141,567).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

As per claims 56, 80, and 104, *Youssefmir et al.* disclosed a method to compute an antenna processing strategy for a remote user based at least in part on a received signal data, determining one or more signatures of one or more interferers, and modifying the antenna processing strategy by incorporating signature data relating to one or more interferers with the received data to reduce one or both antenna transmit signal strength in, and sensitivity of the antenna to signals from one or more interferers (abstract, col. 8/ln. 6-16, col. 13/ln. 12-54, col. 18/ln. 11-col. 22/ln. 27).

As per claims 57, 81, and 105, *Youssefmir et al.* disclosed the limitation of claims 57, 81, and 105 (abstract, col. 18/ln. 11-col. 22/ln. 27).

As per claims 58, 82, and 107, *Youssefmir et al.* disclosed the limitation of claims 58, 82, and 107 (col. 18/ln. 11-col. 22/ln. 27).

As per claims 59, 83, and 108, *Youssefmir et al.* disclosed the limitation of claims 59, 83, and 108 (col. 16/ln. 19-53).

As per claims 60 and 84, *Youssefmir et al.* disclosed the limitation of claims 60 and 84 (col. 26/ln. 15-27).

As per claims 61 and 86, *Youssefmir et al.* disclosed the limitation of claims 61 and 86 (col. 25/ln. 23-col. 26/ln. 27).

As per claims 62 and 87, *Youssefmir et al.* disclosed the limitation of claims 62 and 87 (col. 6/ln. 12-32).

As per claims 63 and 88, *Youssefmir et al.* disclosed the limitation of claims 63 and 88 (col. 16/ln. 11-18).

As per claims 64 and 89, *Youssefmir et al.* disclosed the limitation of claims 64 and 89 (col. 16/ln. 11-18).

As per claims 65, 90, and 109, *Youssefmir et al.* disclosed the limitation of claims 65, 90, and 109 (abstract, col. 6/ln. 12-32).

As per claims 66, 91, and 110, *Youssefmir et al.* disclosed the limitation of claims 66, 91, and 110 (col. 18/ln. 11-col. 22/ln. 27)

As per claims 67 and 92, *Youssefmir et al.* disclosed the limitation of claims 67 and 92 (col. 18/ln. 11-col. 22/ln. 27).

As per claims 68 and 93, *Youssefmir et al.* disclosed the limitation of claims 68 and 93 (col. 25/ln. 23-col. 26/ln. 27).

As per claims 69 and 94, *Youssefmir et al.* disclosed the limitation of claims 69 and 94 (col. 18/ln. 11-col. 22/ln. 27).

As per claims 70 and 95, *Youssefmir et al.* disclosed the limitation of claims 70 and 95 (col. 18/ln. 11-col. 22/ln. 27).

As per claims 71 and 96, *Youssefmir et al.* disclosed the limitation of claims 71 and 96 (col. 18/ln. 11-col. 22/ln. 27).

As per claim 72, *Youssefmir et al.* disclosed the limitation of claims 72 (col. 18/ln. 11-col. 22/ln. 27).

As per claims 73, 97, and 111, *Youssefmir et al.* disclosed the limitation of claims 73, 97, and 111 (col. 18/ln. 11-col. 22/ln. 27).

As per claims 74 and 98, *Youssefmir et al.* disclosed the limitation of claims 74 and 98 (col. 18/ln. 11-col. 22/ln. 27).

As per claims 75 and 99, *Youssefmir et al.* disclosed the limitation of claims 75 and 99 (col. 18/ln. 11-col. 22/ln. 27).

As per claims 76, 100, and 112, *Youssefmir et al.* disclosed the limitation of claims 76, 100, and 112 (col. 18/ln. 11-col. 22/ln. 27).

As per claims 77, 101, and 113, *Youssefmir et al.* disclosed the limitation of claims 77, 101, and 113 (col. 18/ln. 11-col. 22/ln. 27).

As per claims 78, 102, and 114, *Youssefmir et al.* disclosed the limitation of claims 78, 102, and 114 (col. 18/ln. 11-col. 22/ln. 27).

As per claims 79 and 103, *Youssefmir et al.* disclosed the limitation of claims 79 and 103 (col. 18/ln. 11-col. 22/ln. 27).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Petrus et al. (6,690,747) disclose radiotelephone communication system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

PABLO N. TRAN
PRIMARY EXAMINER

October 8, 2004



AU2685